

Robert P. Owens
Assistant Municipal Attorney
Municipal Attorney's Office
P.O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-4545
uslit@muni.org

Attorney for Defendants
Municipality of Anchorage
APD Badge #1503, Shirley Winborg
APD Badge # 1075, Gil Davis

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

DANIEL DENARDO)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MUNICIPALITY OF ANCHORAGE,)	
APD Badge #1503, SHIRLEY WINBORG, and)	
APD Badge #1075, GIL DAVIS,)	
)	
Defendants.)	
)	
<hr/>		
U. S. District Court Case No. A04-0269 CI (RRB)		

DECLARATION OF CHIRLEY WINBORG

CHIRLEY WINBORG declares as follows:

1. I am a detective with the Anchorage Police Department and make this declaration of my own personal knowledge.

2. On December 5, 2002 I was dispatched to the Federal Building, 222 W. 7th, to contact security personal about an uncooperative individual on the premises.¹ When I arrived I observed APD Sergeant Davis speaking with security officer Miller just outside of the building. Officer Miller briefed Sergeant Davis and myself and identified a tall, white male that was then standing near the security entrance, as the uncooperative individual.

3. Officer Miller advised us that the individual's name was Daniel Denardo; that officer Miller had issued Mr. Denardo a United States District Court Violation Notice for failure to follow signs and directions (41 CFR 101-20.304); and that Officer Miller had instructed Mr. Denardo to leave the premises but he refused to do so.

4. I believed Officer Miller had authority to instruct Mr. Denardo to leave the premises. Officer Miller was wearing a uniform and stationed at the entrance to the building with Officer Santisteven. I believed both officers were federal employees assigned to monitoring access to the Federal Building. Only later did I learn that both were employees of American Guard, a subcontractor to the Federal Security Service.

5. When Sergeant Davis and I approached, Mr. Denardo acknowledged his name and explained that he believed he did not have to show identification. He refused to show us the citation issued by Officer Miller and refused to acknowledge he had even received the citation, instead asserting his rights under the 5th amendment.

6. Mr. Denardo refused to show identification to either Sergeant Davis or myself and refused to provide a physical address for his place of residence. However, in the

1. The investigation report and related paperwork I prepared inadvertently identify the date of the incident as December 4, 2004. I have reviewed department records to confirm the correct date was December 5, 2004.

course of placing Mr. Denardo under arrest, Sgt. Davis removed a passport from Mr. Denardo's front shirt pocket that was expired.

7. I arrested Mr. Denardo for trespass under Anchorage Municipal Code 08.45.010(3), which provides as follows:

A person commits the crime of criminal trespass if the person:


* * * * *

(3) Knowingly enters or remains on public premises or property, or in a public vehicle when the premises, property, or vehicle is not open to the public or after the person has been requested to leave by someone with the apparent authority to do so.

8. I transported Mr. Denardo to the courthouse for a bail hearing before Magistrate Cole, who ordered Mr. Denardo released on his own recognizance.

I declare under penalty of perjury under the laws of the State of Alaska that the above is true and correct.

Respectfully submitted this 9th day of February, 2006.


Chirley Winborg

The undersigned hereby certifies that on February 15, 2006,
a true and correct copy of the ~~Affidavit~~ of Chirley Winborg was
served on:

- D. DeNardo

by first class regular mail, if noted above, or by electronic
means through the ECF system as indicated on the Notice
of Electronic Filing


E. Locw